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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, FEBRUARY 5, 2019**

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# JOURNAL OF THE SENATE

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TWENTY-THIRD CALENDAR DAY  
FOURTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 5, 2019

The Senate met in regular session at 9:02 a.m., President Schneider presiding.

Prayer was offered by the Honorable Craig Johnson, member of the Senate from Buchanan County, Independence, Iowa.

Victoria Daniels sang "America the Beautiful". She was the guest of Senator Bisignano.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Seth Fiala.

The Journal of Monday, February 4, 2019, was approved.

## ADJOURNMENT

On motion of Senator Whitver, the Senate adjourned at 9:12 a.m. until 9:00 a.m., Wednesday, February 6, 2019.

## APPENDIX

### COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### DEPARTMENT OF HUMAN SERVICES

Medicaid Reimbursement Comparison Report, pursuant to 2018 Iowa Acts, Chapter 1165, section 20, new subsection 26. Report received on February 5, 2019.

## DEPARTMENT OF REVENUE

Iowa Streamlined Sales Tax Advisory Council Annual Report, pursuant to Iowa Code section 423.9A. Report received on February 5, 2019.

## CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Christina Gassman, Epworth—For earning the Gold Award, the highest award in Girl Scouting. Senator Koelker.

## REPORTS OF COMMITTEE MEETINGS

## STATE GOVERNMENT

**Convened:** Tuesday, February 5, 2019, 2:05 p.m.

**Members Present:** R. Smith, Chair; Johnson, Vice Chair; Bisignano, Ranking Member; Celsi, Chapman, Cournoyer, Danielson, Dawson, Feenstra, Jochum, Miller-Meeks, Schultz, T. Taylor, and Whiting.

**Members Absent:** Zaun (excused).

**Committee Business:** Passed out subcommittee lists.

**Adjourned:** 2:10 p.m.

## APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** Tuesday, February 5, 2019, 10:00 a.m.

**Members Present:** Guth, Chair; Zumbach, Vice Chair; Celsi, Ranking Member; R. Taylor, and Whiting.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 10:50 a.m.

## APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** Tuesday, February 5, 2019, 10:05 a.m.

**Members Present:** Shipley, Chair; Rozenboom, Vice Chair; Mathis, Ranking Member; Kinney, and Sweeney.

**Members Absent:** None.

**Committee Business:** Presentation by Brandi Janssen I–Cash.

**Adjourned:** 10:40 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** Tuesday, February 5, 2019, 10:00 a.m.

**Members Present:** Kraayenbrink, Chair; Sinclair, Vice Chair; Wahls, Ranking Member; Koelker, and Quirmbach.

**Members Absent:** None.

**Committee Business:** Iowa Public Television.

**Adjourned:** 10:35 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** Tuesday, February 5, 2019, 10:05 a.m.

**Members Present:** Costello, Chair; Edler, Vice Chair; Ragan, Ranking Member; Bolckom, and Miller-Meeks.

**Members Absent:** None.

**Committee Business:** Presentations: Children’s Board Report by Jerry Foxhoven, Director of the Department of Human Resources; Autism presentation by Evelyn Horton, Vice President of Children’s Services Balance Autism.

**Adjourned:** 11:25 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** Tuesday, February 5, 2019, 10:05 a.m.

**Members Present:** Garrett, Chair; Carlin and T. Taylor.

**Members Absent:** Nunn, Vice Chair; and Hogg, Ranking Member (both excused).

**Committee Business:** Presentations by Judy Bradshaw, Director of the Iowa Law Enforcement Academy; and Major General Tim Orr, Iowa National Guard.

**Adjourned:** 11:20 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** Tuesday, February 5, 2019, 10:00 a.m.

**Members Present:** Johnson, Chair; R. Smith, Vice Chair; Lykam, Ranking Member; Boulton, and Dawson.

**Members Absent:** None.

**Committee Business:** Discussion.

**Adjourned:** 10:40 a.m.

#### INTRODUCTION OF RESOLUTIONS

[Senate Concurrent Resolution 3](#), by committee on Ethics, a concurrent resolution relating to the joint rules governing lobbyists of the Senate and House of Representatives for the Eighty-eighth General Assembly.

Read first time under Rule 28 and **placed on calendar**.

[Senate Concurrent Resolution 4](#), by Mathis, a concurrent resolution requesting establishment of an interim study committee to identify creative, environmental, and sustainable ways to limit single-use plastics.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

[Senate Resolution 2](#), by committee on Ethics, a resolution for relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-eighth General Assembly.

Read first time under Rule 28 and **placed on calendar**.

#### INTRODUCTION OF BILLS

[Senate File 177](#), by Mathis, a bill for an act providing for the establishment of a teacher recruitment and retention task force.

Read first time under Rule 28 and referred to committee on **Education**.

[Senate File 178](#), by Kinney, Celsi, R. Taylor, Boulton, Wahls, Lykam, J. Smith, Petersen, Jochum, Dotzler, and Bolkcom, a bill for an act relating to the criminal offense of manufacturing, delivering, selling, or possessing drug paraphernalia by exempting hypodermic needles or syringes delivered, sold, or possessed through an approved needle exchange program.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 179](#), by R. Smith, a bill for an act establishing the offense of sexual activity with an individual sixteen or seventeen years of age, and providing penalties.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 180](#), by R. Smith, a bill for an act allowing law enforcement agencies to retain possession of motor vehicles suspected to have been used to elude law enforcement vehicles.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 181](#), by Brown, a bill for an act establishing a tree and forest advisory council.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

[Senate File 182](#), by Zaun, a bill for an act relating to state taxes by eliminating the individual income tax, increasing the sales and use tax rates, making conforming changes, and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 183](#), by Zaun, a bill for an act setting the dates for the submission of local public measures to the electors and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 184](#), by committee on Transportation, a bill for an act permitting the transportation of certain types of loads by motor vehicles exceeding certain weight limitations.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 185](#), by committee on Transportation, a bill for an act relating to motor vehicle registration fees for disabled veterans.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 186](#), by committee on Transportation, a bill for an act to increase the maximum capacity of certain motor vehicles operated by school district employees to transport children to activity events or from school to home in unusual situations.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 187](#), by committee on Transportation, a bill for an act relating to the gross weight of special trucks, and providing fees.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 188](#), by committee on Education, a bill for an act prohibiting a governing board of a public college or university from adopting or enforcing any policy or rule that prohibits a person from carrying, transporting, or possessing a dangerous weapon producing a nonprojectile high-voltage pulse designed to immobilize a person in the buildings or on the grounds of such a college or university.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 189](#), by Petersen, a bill for an act modifying the periods of time to bring certain civil actions, including by victims of sexual abuse, minors, and persons with mental illness, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 190](#), by Ragan, Mathis, Danielson, Boulton, Wahls, Kinney, Dotzler, R. Taylor, Celsi, Bisignano, Lykam, Quirnbach, Bolkcom, Petersen, J. Smith, Jochum, and T. Taylor, a bill for an act establishing a home modification grant program within the department on aging, and providing an appropriation.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 191](#), by Ragan, Mathis, Danielson, Boulton, Wahls, Kinney, Dotzler, R. Taylor, Celsi, Bisignano, Lykam, Bolkcom, Petersen, Quirnbach, J. Smith, Jochum, and T. Taylor, a bill for an act relating to the family income eligibility requirement for state child care assistance.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 192](#), by Brown and Zumbach, a bill for an act relating to taking a capital gain deduction for the sale of real property used in a farming business.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 193](#), by Danielson, a bill for an act providing for the issuance and display of one motor vehicle registration plate.

Read first time under Rule 28 and referred to committee on **Transportation**.

## STUDY BILLS RECEIVED

**SSB 1102**      **Ways and Means**

Relating to the deduction of Iowa brewing ingredients from individual and corporate income taxes if used to make beer for sale, and including applicability provisions.

**SSB 1103**      **Ways and Means**

Relating to claiming the adoption tax credit for qualified adoption expenses paid or incurred during a tax year and including retroactive applicability provisions.

**SSB 1104**      **Ways and Means**

Relating to wagering taxes imposed on promotional play receipts.

**SSB 1105**      **Ways and Means**

Requiring the licensure of small dollar installment loan businesses, and providing criminal and civil penalties.

**SSB 1106**      **Judiciary**

Relating to the liability of the state, counties, municipalities, and employees thereof for certain torts, and including effective date and applicability provisions.

**SSB 1107**      **Judiciary**

Providing limited immunity from certain criminal offenses and prohibiting certain disciplinary sanctions for persons under twenty-one years of age who report, seek, or require emergency assistance for alcohol overdoses or protection from certain crimes, and modifying penalties.

**SSB 1108**      **Labor and Business Relations**

Relating to the supplemental nutrition assistance program and workfare.

**SSB 1109 Labor and Business Relations**

Relating to eligibility for the supplemental nutrition assistance program and cooperation regarding a child support order.

**SSB 1110 Commerce**

Relating to franchisor-franchisee relationships for the purposes of certain employment laws and including applicability provisions.

**SSB 1111 Agriculture**

Providing for the sale of certain mushrooms at farmers markets, and providing an effective date.

**SSB 1112 Labor and Business Relations**

Relating to professional licensing by limiting the authority of cities and counties to enact or enforce certain professional or occupational licensing laws, relating to qualifications for holding professional licenses, and including applicability provisions.

**SSB 1113 Ways and Means**

Relating to propane inspection and regulation, imposing an assessment, and making appropriations.

**SSB 1114 Ways and Means**

Exempting from the sales tax certain items and services sold or furnished to nonprofit blood centers, including effective date and retroactive applicability provisions.

**SSB 1115 State Government**

Authorizing the temporary sale of merchandise at a toy benefit for Iowa children on the state capitol complex grounds.

**SSB 1116 State Government**

Providing for notarial acts, including by providing for the use of electronic media.

**SSB 1117 State Government**

Relating to the protection of certain patient information and data under the purview of the department of public health.

**SSB 1118 State Government**

Relating to canned cocktails and including effective date provisions.

**SUBCOMMITTEE ASSIGNMENTS****Senate Joint Resolution 11**

STATE GOVERNMENT: Schultz, Chair; Johnson and T. Taylor

**Senate File 76**

TRANSPORTATION: Whiting, Chair; Danielson and Kapucian

**Senate File 122**

HUMAN RESOURCES: Greene, Chair; Costello and Ragan

**Senate File 135**

COMMERCE: Brown, Chair; Bolkom and Nunn

**Senate File 136**

COMMERCE: Brown, Chair; Bolkom and Nunn

**Senate File 137**

COMMERCE: Koelker, Chair; Johnson and Petersen

**Senate File 141**

LABOR AND BUSINESS RELATIONS: Whiting, Chair; Brown and T. Taylor

**Senate File 142**

LABOR AND BUSINESS RELATIONS: Schultz, Chair; Bisignano and Koelker

[Senate File 144](#)

HUMAN RESOURCES: Segebart, Chair; Carlin and Ragan

[Senate File 150](#)

STATE GOVERNMENT: R. Smith, Chair; Chapman and T. Taylor

[Senate File 155](#)

STATE GOVERNMENT: Whiting, Chair; Danielson and Miller-Meeks

[Senate File 157](#)

HUMAN RESOURCES: Costello, Chair; Jochum and Johnson

[Senate File 170](#)

AGRICULTURE: Rozenboom, Chair; Costello and Ragan

[Senate File 171](#)

APPROPRIATIONS: Kraayenbrink, Chair; Rozenboom and Wahls

[Senate File 174](#)

WAYS AND MEANS: Feenstra, Chair; Jochum and R. Smith

[Senate File 175](#)

HUMAN RESOURCES: Johnson, Chair; Bolcom and Segebart

[Senate File 176](#)

LABOR AND BUSINESS RELATIONS: Schultz, Chair; T. Taylor and Whiting

[SSB 1099](#)

(Reassigned)

EDUCATION: Sinclair, Chair; Kraayenbrink and Quirmbach

[SSB 1102](#)

WAYS AND MEANS: Feenstra, Chair; Danielson and R. Smith

[SSB 1103](#)

WAYS AND MEANS: Feenstra, Chair; Jochum and Sweeney

[SSB 1104](#)

WAYS AND MEANS: Feenstra, Chair; Danielson and Dawson

[SSB 1105](#)

WAYS AND MEANS: Feenstra, Chair; Dawson and Jochum

[SSB 1106](#)

JUDICIARY: Schultz, Chair; Hogg and Shipley

[SSB 1107](#)

JUDICIARY: Zaun, Chair; Nunn and R. Taylor

[SSB 1108](#)

LABOR AND BUSINESS RELATIONS: Schultz, Chair; Bisignano and Whiting

[SSB 1109](#)

LABOR AND BUSINESS RELATIONS: Schultz, Chair; Bisignano and Whiting

[SSB 1110](#)

COMMERCE: Koelker, Chair; Bisignano and Chapman

[SSB 1111](#)

AGRICULTURE: Zumbach, Chair; Kapucian and Mathis

[SSB 1112](#)

LABOR AND BUSINESS RELATIONS: Carlin, Chair; Brown and T. Taylor

[SSB 1113](#)

WAYS AND MEANS: Feenstra, Chair; Behn and Danielson

[SSB 1114](#)

WAYS AND MEANS: Feenstra, Chair; Jochum and R. Smith

[SSB 1115](#)

STATE GOVERNMENT: Johnson, Chair; Bisignano and Cournoyer

[SSB 1116](#)

STATE GOVERNMENT: Cournoyer, Chair; Celsi and R. Smith

[SSB 1117](#)

STATE GOVERNMENT: Schultz, Chair; Jochum and R. Smith

[SSB 1118](#)

STATE GOVERNMENT: Johnson, Chair; Bisignano and R. Smith

FINAL COMMITTEE REPORTS OF BILL ACTION

**EDUCATION**

**Bill Title:** [SENATE CONCURRENT RESOLUTION 1](#), a concurrent resolution urging Congress to enact legislation to limit the interest rates collected or imposed by the United States Department of Education for certain federal student college loans.

**Recommendation:** DO PASS.

**Final Vote:** Yeas, 15: Sinclair, Cournoyer, Quirnbach, Behn, Celsi, Danielson, Edler, Johnson, Kraayenbrink, Lofgren, Rozenboom, J. Smith, Sweeney, Wahls, and Zaun. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [SENATE FILE 74](#), a bill for an act relating to school funding by modifying provisions relating to the collection of sales tax for deposit in the secure an advanced vision for education fund, provisions relating to the use of tax revenue from the secure an advanced vision for education fund, and provisions relating to the calculation of the additional property tax levy, and making appropriations.

**Recommendation:** DO PASS.

**Final Vote:** Yeas, 14: Sinclair, Cournoyer, Quirnbach, Behn, Celsi, Danielson, Edler, Johnson, Kraayenbrink, Lofgren, Rozenboom, J. Smith, Sweeney, and Wahls. Nays, 1: Zaun. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [\\*SENATE FILE 188](#) (formerly [SF 120](#)), a bill for an act prohibiting a governing board of a public college or university from adopting or enforcing any policy or rule that prohibits a person from carrying, transporting, or possessing a dangerous weapon producing a nonprojectile high-voltage pulse designed to immobilize a person in the buildings or on the grounds of such a college or university.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 12: Sinclair, Cournoyer, Behn, Danielson, Edler, Johnson, Kraayenbrink, Lofgren, Rozenboom, Sweeney, Wahls, and Zaun. Nays, 3: Quirnbach, Celsi, and J. Smith. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on [Senate File 188](#), and they were attached to the committee report.

#### **ETHICS**

**Bill Title:** [SENATE RESOLUTION 2 \(SSB 1092\)](#), a resolution for relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-eighth General Assembly.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 6: Costello, Behn, Jochum, Kinney, Mathis, and Sweeney. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### **ALSO:**

**Bill Title:** [SENATE CONCURRENT RESOLUTION 3 \(SSB 1093\)](#), a concurrent resolution relating to the joint rules governing lobbyists of the Senate and House of Representatives for the Eighty-eighth General Assembly.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 6: Costello, Behn, Jochum, Kinney, Mathis, and Sweeney. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### **TRANSPORTATION**

**Bill Title:** [SENATE FILE 184 \(SSB 1045\)](#), a bill for an act permitting the transportation of certain types of loads by motor vehicles exceeding certain weight limitations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 10: Kapucian, Brown, Danielson, Breitbach, Cournoyer, Koelker, Lykam, Shipley, Whiting, and Zumbach. Nays, 3: Kinney, J. Smith, and T. Taylor. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [SENATE FILE 185](#) (formerly [SF 61](#)), a bill for an act relating to motor vehicle registration fees for disabled veterans.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 13: Kapucian, Brown, Danielson, Breitbach, Cournoyer, Kinney, Koelker, Lykam, Shipley, J. Smith, T. Taylor, Whiting, and Zumbach. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [SENATE FILE 186](#) (formerly [SF 43](#)), a bill for an act to increase the maximum capacity of certain motor vehicles operated by school district employees to transport children to activity events or from school to home in unusual situations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 13: Kapucian, Brown, Danielson, Breitbach, Cournoyer, Kinney, Koelker, Lykam, Shipley, J. Smith, T. Taylor, Whiting, and Zumbach. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [SENATE FILE 187](#) (formerly [SF 83](#)), a bill for an act relating to the gross weight of special trucks, and providing fees.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 13: Kapucian, Brown, Danielson, Breitbach, Cournoyer, Kinney, Koelker, Lykam, Shipley, J. Smith, T. Taylor, Whiting, and Zumbach. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.